**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE ANTONY DOMINIC**

**TUESDAY, THE 30TH OCTOBER 2007 / 8TH KARTHIKA 1929**

**WP(C).No. 31784 of 2007(H)**
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**PETITIONER:**
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**M/S. SREE KAILAS LEASING & COMMERCIAL CARRIERS LTD., (RMC OPERATION), "SREE KAILAS", 39/2724-A, PALIYAM ROAD, KOCHI-682 016, REP. BY ITS MANAGER SHIJU GEORGE.**

**BY ADV. SRI.G.HARIHARAN**

**RESPONDENTS:**
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**1. THE REGIONAL TRANSPORT OFFICER, ERNAKULAM.**

**2. THE DISTRICT EXECUTIVE OFFICER, KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD, PALARIVATTOM, ERNAKULAM DISTRICT.**

**3. OFFICE OF THE EMPLOYEES PROVIDENT FUND COMMISSIONER, KOCHI-17, REPRESENTED BY THE ACCOUNTS OFFICER.**

**4. STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, TRANSPORT DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.**

**5. M/S. VALUE VENTURES, 3/692, KARIPAI ROAD, NORTH KALAMASSERY, ERNAKULAM-683 104.**

**BY GOVERNMENT PLEADER SRI.BENJAMIN PAUL**
**SRI.P.RAMAKRISHNAN, SC FOR R2**
**SRI.S.GOPAKUMARAN NAIR, SC FOR R3**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**ANTONY DOMINIC, J.**
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**W.P.(C) NO. 31784 OF 2007 H**
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**Dated this the 30th day of October, 2007**

**J U D G M E N T**

The prayer sought for in this writ petition is to permit the petitioner to remit the tax for the vehicles owned by the petitioner without paying contribution due under Kerala Motor Transport Workers Welfare Fund Act. It is the contention of the petitioner that the workers are deployed by the 5th respondent pursuant to a contract between them. Petitioner submits that the establishment of the 5th respondent is covered by the provisions of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 and as the employees deputed by the 5th respondent are getting coverage of the Provident Fund Act, they are not liable to remit welfare fund dues. If as a matter of fact the establishment of the 5th respondent is covered under the Provident Fund Act, and the employees deployed are in receipt of the benefits thereof, petitioner is certainly entitled to the exemption provided under Motor Transport Workers Welfare Fund

Act.

Therefore, I dispose of this writ petition directing that the 1st respondent shall permit the petitioner to remit tax in respect of the petitioner's vehicle on the petitioner satisfying the 1st respondent that the employees engaged by the petitioner are the employees of the 5th respondent and that the 5th respondent is an establishment covered by the Provident Fund Act and that the upto date contribution due under the Provident Fund Act has been remitted.

**ANTONY DOMINIC, JUDGE.**

Rp